THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No. 10428 OF 2003

ORAL ORDER:

This writ petition is filed seeking a declaration that the order of the 1st respondent dated 14.5.2003 banning the business dealings with the petitioner for a period of 5 years is arbitrary and illegal.

The petitioner is a contractor, and has been executing the works relating to Electrical, Signalling and Engineering with the respondents for the past about 20 years. By notice dated 20.8.1998, the petitioner was called upon to show cause as to why the business dealings with him should not be banned.

Various allegations have been made in the statement of imputation and the petitioner in his explanation dated 14.9.1998 denied all the said allegations. Thereafter, the impugned order came to be passed, which runs as under:

> " In reference to the Memorandum served on you vide this office letter cited above, the matter has been carefully considered and found that charges indicated in the above memorandum proved and the Ministry of Railways (Railway Board), New Delhi have decided to ban business dealings with you for a period of five years with effect from 6.5.2003"

Though various grounds have been raised, the learned counsel for the petitioner primarily contended that the said order, which is devoid of any reasons, is in violation of the principles of natural justice and, therefore, liable to be set aside on that ground alone.

A bare perusal of the impugned order extracted above, shows that it absolutely lacks reasons. Such order, which was passed without assigning any reasons and without recording satisfaction that the allegations in the memorandum of imputation are established, is illegal and unassailable. The law is well-settled that absence of reasons is one of the grounds for judicial review, since failure of the authority to assign reasons would result in violation of the principles of natural justice.

In identical circumstances, by order dated 23.10.2003 in W.P.No.11671 of 2003, this Court set aside the order dated 5.6.2003 passed by the very same authority leaving it open to the respondents to pass appropriate orders afresh in accordance with law. It is not disputed by the learned counsel for both the parties that the petitioner herein also stands on the same footing.

Accordingly, the impugned order is set aside and the writ petition is disposed of leaving it open to the respondents to pass appropriate orders afresh in accordance with law. No costs.

_____

(G. ROHINI, J.)

16th November, 2006.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No. 10428 OF 2003

16th November, 2006.

Between:

N. Jagan Mohan Rao. .. Petitioner.

And

Union of India, represented by the
Railway Board through its Member,
Electrical, New Delhi and others. .. Respondents.